

A RESOLUTION

11-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF MICHAEL ELLIS V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2010-CV-182963, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$72,500.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Michael Ellis filed a lawsuit, *Michael Ellis vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate storm water drainage systems;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's storm water drainage systems, his property sustained damages resulting from storm water flooding;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff has agreed to accept \$72,500.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the Plaintiff the amount of \$72,500.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1 The City Attorney is hereby authorized to settle and execute all documents in the case of *Michael Ellis vs. City of Atlanta*, Fulton County Superior

Court, Civil Action File No. 2010-CV-182963, in the amount of Seventy-Two Thousand Five Hundred Dollars (\$72,500.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Seventy-Two Thousand Five Hundred Dollars (\$72,500.00) to Michael Ellis. Said payment is to be charged, paid and issued from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity); and made payable to *Martin & Jones, as attorneys for Michael Ellis*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.